

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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AARON L. JACOBS, JR.,  
FLORENCE GOMEZ, and  
MICHAEL LONG,

Plaintiffs,

v.

Case No. 22-C-386

SCOTT SCHERMITZLER and  
BEN WALKER,

Defendants.

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**ORDER**

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On March 28, 2022, Plaintiffs Aaron L. Jacobs, Florence Gomez, and Michael Long, all proceeding *pro se*, filed this action against Defendants AB Hospitalities, LLC, Marriott International (collectively, the Hotel), Hotel employees Jane Doe and Chelsea Devries, and Officers Scott Schermitzler and Ben Walker of the Ashwaubenon Department of Public Safety, alleging various civil rights violations. On November 3, 2022, the court dismissed with prejudice the Hotel and its employees on stipulation of the parties, leaving only Officers Schermitzler and Walker as defendants. Dkt. No. 61. On December 1, 2022, the court struck Plaintiffs' proposed amended complaint for failure to follow procedure and granted the officers' motion to dismiss the complaint for failure to state a claim. Dkt. No. 62. Specifically, the court held that Plaintiffs' claims under 42 U.S.C. §§ 1981 and 1983 were barred by the statute of limitations and were therefore dismissed with prejudice. *Id.* The court dismissed Plaintiffs' 42 U.S.C. § 2000a claim without prejudice, "conditioned upon Plaintiffs filing an amended complaint within 21 days of this order curing the defect." *Id.* at 10. The court further warned that "[f]ailure to file

an amended complaint within that time period may result in dismissal of the action with prejudice.”

*Id.* Plaintiffs did not file an amended complaint on or before December 22, 2022. On January 3, 2023, Defendants Schermitzler and Walker filed a motion to dismiss with prejudice Plaintiffs’ § 2000a claim for failure to adhere to the timetable set forth by the court’s December 1, 2022 order. Dkt. No. 63.

**IT IS THEREFORE ORDERED** that Defendants’ motion to dismiss (Dkt. No. 63) is **GRANTED**. The case is **DISMISSED with prejudice**. The Clerk is directed to enter judgment accordingly.

Dated at Green Bay, Wisconsin this 4th day of January, 2023.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge